



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 130.00

## Complete if Known

Application Number 10/664,275  
Filing Date September 16, 2003  
First Named Inventor Samuel Moreau  
Examiner Name  
Group/Art Unit  
Attorney Docket No. 4572P021

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number 02-2666  
Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  X  =   
Independent Claims  - 3 =  X  =   
Multiple Dependent  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)				Petition to Make Special	130.00
SUBTOTAL (3)					(\$) 130.00

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) Chze Koon Chua Registration No. 53,831 Telephone (408) 947-8200  
Signature Date 12/11/03



Attorney's Docket No.: 4572P021

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

SAMUEL MOREAU, ET AL.

Application No.: 10/664,275

Filing Date: 09/16/2003

For: SYSTEM AND METHOD FOR CONSTRUCTION,  
DELIVERY AND DISPLAY OF ITV APPLICATIONS  
THAT BLEND PROGRAMMING INFORMATION OF  
ON-DEMAND AND BROADCAST SERVICE  
OFFERINGS

Examiner: Not yet assigned

Art Group:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

on December 11, 2003  
Date of Deposit

Jennifer L. Stewart  
Name of Person Mailing Correspondence

Jennifer L. Stewart 12/11/03  
Signature Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL (37 CFR 1.102(d))**

Sir or Madam:

Applicants hereby petition to make this new application special. This application has not received any examination on the merits.

**(A) FEE**

Applicants hereby enclose a check in the amount of \$130.00 for the petition fee required by 37 C.F.R. § 1.17(h). Furthermore, the Commissioner is hereby authorized to charge payment of any fee due under 37 C.F.R. § 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 02-2666.

**(B) CLAIMS**

Either (1) all pending claims in this application are directed to a single invention, or (2) if the Office determines that all the claims are not obviously directed to a single invention,

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applicants will make an election without traverse in response to notification under the established telephone restriction practice.

**(C) SEARCH**

A search for relevant prior art was made and the fields of search included:

U.S. patents and published applications in classes/subclasses:

725/49, 725/48, 725/44, 725/59, 345/716, 725/54, 725/14, 725/40,  
345/717, 345/719, 348/564, 345/327

publications; and

foreign patents and published applications.

**(D) COPIES OF REFERENCES / INFORMATION DISCLOSURE STATEMENT**

Attached are copies of references located during the above-referenced search that are deemed most closely related to the subject matter encompassed by the claims. Each of these references is listed in the attached Information Disclosure Statement. Applicants respectfully request that all references be considered and entered into the record of the present application.

The submission of these references is for the purpose of providing a complete record and is not a concession that the references listed therein are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Therefore, Applicants believe no fee is due; however, should a fee be due, the Commissioner is hereby authorized to charge Deposit Account No. 02-2666.

**(E) DETAILED DISCUSSION OF THE REFERENCES**

A detailed discussion of the references deemed most closely related to the subject matter encompassed by the claims is provided below.

Each selected reference fails to anticipate the present invention as claimed. To anticipate

a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Furthermore, the selected references fail to establish a prima facie case of obviousness because the references, individually or in combination, neither teach nor suggest all the claim elements and limitations required by the patent application. Moreover, there is no motivation or suggestion in these references for their combination; and even assuming there were such motivation or suggestion, no combination of these references teaches or suggests the invention as claimed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, it is submitted that all pending claims are distinguishable over the cited references, taken alone or in combination, and should be allowed.

#### **Claims 1, 6, and 16 of the present application**

The present invention relates to systems and methods for construction, delivery and display of iTV application that blend programming information of on-demand and broadcast service offerings. The following are the independent claims of the present application:

1. A user interface, comprising a blending of television program choices from which a viewer may select, the blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category.
6. A user interface for interactive television (iTV), comprising a navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation.

16. A user interface, comprising a single screen having various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information.

**Kudson et al. (European Patent 1058999)**

Kudson '999, Program Guide System With Targeted Advertising, is a system in which an interactive television guide that senses user interaction is implemented on user television equipment. It can also display targeted advertisement automatically to the user with the displayed interactive television guide screen based on the user's interests.

Fig 7 illustrates a program display guide. In one embodiment, the program guide display allows a user to review program listings for multiple channels for a particular broadcast time. It also teaches other types of program listings display formats, for example, displaying all programs in a particular category (Col 9, [0037]- Col 10, [0038]).

It will be noted that Fig 7 teaches a program listing containing TV programs and Pay-per-view programs. However, pay-per-view programs are available for viewing by subscribers according to "various available broadcast times" (Col 10, line 15). Thus, pay-per-view programs are not non-linear programming or Video on Demand (VOD), which are provided on-demand.

Hence, Kudson does not teach or suggest "A user interface, comprising a blending of television program choices from which a viewer may select, the **blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category**" (Claim 1). Moreover, Kudson does not teach or suggest "**a navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation**" (Claim 6). Kudson also fails to teach or suggest "a user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information**" (Claim 16).

For at least these reasons, the present claims are patentable over Kudson.

**Wilder et al. (US Patent Application 20030051246)**

Wilder '246, System And Method For Combining Several EPG Sources To One Reliable EPG, "relates to a device for acquiring electronic program guide (EPG) data from a plurality of different EPG sources, and combining the acquired data to a single EPG." (Abstract)

Wilder teaches an EPG which includes “program listings for television programs, webcasts or radio programs” (Col 2, [0025]). “Generally, the EPG is formatted in such a way that the program listings are displayed in accordance with the scheduled broadcast time and the specific channel through which program will be on the air. The EPG of Fig. 1 shows that program listings can be displayed in a table or grid, which is divided horizontally into with scheduled times, and is divided vertically into different channels” (Col 2, [0026]). Wilder also suggests that an EPG can be displayed in many different formats, where each format covers a different range of program listings. For example, the EPG may only display program listings on a channel, time, or category/genre specified by a user” (Col 2, [0027]).

It will be noted that Fig. 1 clearly illustrates that the program are available for viewing according to a time schedule. Hence, the programs are not non-linear programming or Video on Demand (VOD), which are provided on-demand.

Each and every element of the independent claims of the present application is not found, either expressly or inherently described, in Wilder. Wilder fails to teach or suggest the following:

A user interface, comprising a blending of television program choices from which a viewer may select, **the blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category** (Claim 1).

A user interface for interactive television (iTV), comprising a **navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6).

A user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information** (Claim 16).

Applicants respectfully submit that in light of the above arguments, Wilder has been overcome.

#### **Holtz et al. (US Patent Application 20030001880)**

Holtz ‘880, Method, System, And Computer Program Product For Producing And Distributing Enhanced Media, discusses the production and distribution of enhanced media by “receiving media from a production, wherein said production comprises one or more elements of a story; editing association of auxiliary information with said story; and enabling display of said media and said auxiliary information at one or more media clients.” (Claim 1) More specifically,

the “auxiliary information includes web sties, extended video segments, related media productions, advertisements, and the like.” (Abstract)

Enabling display of said media and said auxiliary information at one or more media clients does not constitute any of the following:

A user interface, comprising a blending of television program choices from which a viewer may select, **the blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category** (Claim 1).

A user interface for interactive television (iTV), comprising a **navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6).

A user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information** (Claim 16).

Consequently, all of the present claims are patentable over Holtz ‘880

#### **Hoang (US Patent Application 20020170059)**

Hoang ‘059, Universal STB Architectures And Control Methods, teaches “methods and systems for providing full digital services in a non client specific manner such as VOD, digital broadcast, as well as a universal set-top-box (STB) capable of handling this variety of digital services” (Abstract).

The focus of Hoang is “a plurality of hardware architectures and complimentary data transmission methods identifying the distinct services through an electronic program guide enable such transmission. The universal STB of the present invention is capable of distinguishing the different services based upon information received in the electronic program guide, and is capable of processing non client specific information.” (Abstract)

It will be noted that Hoang makes no mention of a blending of television program choices from which a viewer may select, **the blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category**, as required by Claim 1

It follows that there is no disclosure of:

A user interface for interactive television (iTV), comprising a **navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6).

A user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information** (Claim 16).

Accordingly, the Applicants respectfully submit that Hoang '059 has been overcome.

**Alao et al. (US Patent Application 20020147645)**

Alao '645, Service Platform Suite Management System, provides "a method for managing an interactive television system comprising: selecting an advertisement at a server for delivery to a target, said target comprising at least one client device; sending the selected advertisement to the client device; and deciding in a business filter at the client device, whether to store the selected advertisement on the client device." (Claim 1)

The invention further comprises "a method for measuring audience behavior and response to particular events or programs and advertisements; and a method for adaptive delivery of advertisement to a client." (Abstract)

Thus, the focus of Alao is related to personalized advertising. Each and every element of the independent claims of the present application is not found, either expressly or inherently described, in Alao. Alao fails to teach or suggest the following:

A user interface, comprising a blending of television program choices from which a viewer may select, **the blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category** (Claim 1).

A user interface for interactive television (iTV), comprising a **navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6).

A user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information** (Claim 16).

Consequently, all of the present claims are patentable over Alao '645.



Connelly (US Patent Application 20020144269)

Connelly '269, Apparatus And Method For A Dynamic Electronic Program Guide Enabling Billing Broadcast Services Per EPG Line Item, is a method that "includes the receipt of content information from one or more cache content service providers for each content item stored on a client system. Once the content information is received, line items are allocated, from the electronic program guide, to the one or more cache content service providers. Next, the content information is merged for display in the electronic program guide. Finally, the one or more cache content service providers are charged a predetermined amount for each allocated item." (Abstract)

Connelly further discloses that "a digital broadcasting/cached content service provider describes a broadcast system wherein the system selects one or more data files to broadcast to a client system based on feedback generated by the client system in response to user access of stored data files. Once the one or more data files are selected, the data files are broadcast to one or more client systems, which store the one or more data files. The data files are stored by the client systems in order to enable viewing at a later date and time by a user.....For purposes of this disclosure, data files being stored locally by the client may also be interpreted to include a data file stored "locally" by the client in a known network storage configuration, separate from the server. For purposes of this disclosure, the data file being stored or cached locally by the client is to be interpreted as the data file being stored for later access, retrieval or consumption." [0033-0034]

Thus, Connelly only provides for an electronic program guide for programs that are stored for later access, retrieval or consumption.

Therefore, Connelly does not teach or suggest "a user interface, comprising a blending of television program choices from which a viewer may select, the **blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category**" (Claim 1). Moreover, Connelly does not teach or suggest "**a navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation**" (Claim 6). Connelly also fails to teach or suggest "a user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information**" (Claim 16).

For at least these reasons, the present claims are patentable over Connelly.

**Artigalas et al. (US Patent Application 20010014206)**

Artigalas '206, Method And Device For Recording And Reading On A Large-Capacity Medium, focuses on the method of recording and reading audio and/or video information broadcast.

Artigalas discloses steps to “create an index on the recording medium for each individual program recorded; create at least one menu of recorded programs; select one or several programs from a menu of recorded programs displayed on a screen....”(Claim 1)

An index or menu of recorded programs does not teach or suggest any of the following:

A user interface, comprising a blending of television program choices from which a viewer may select, the blending representing options for **linear and non-linear programming presented together within a single hierarchy of a designated category** (Claim 1).

A user interface for interactive television (iTV), comprising a **navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6).

A user interface, comprising a single screen having various regions thereof for displaying **non-linear programming information, linear programming information and managed content** relevant to the linear and non-linear programming information (Claim 16).

Applicants respectfully submit that in light of the above arguments, Artigalas '206 has been overcome.

**Jun et al. ('Video-Gadget Trademark: MPEG-7 Based Audio-Visual Content Indexing And Browsing Engine.' Proceedings of SPIE – The International Society for Optical Engineering (Vol. 4209, 2001)**

Jun gives a brief description of an indexing and retrieval engine of multimedia data using MPEG-7. Jun further describes converting a conventional TV into an interactive personalized entertainment center by enabling automatic feature extraction and indexing of received TV program with the help of a low cost random access storage device. It further discloses various user-friendly functionalities such as non-linear browsing of received programs, structure-base navigation, and searching/filtering of programs.

The “received programs” described by Jun includes TV programs only. Consequently, there is no teaching or suggestion of linear and non-linear programs, as recited in claims 1, 6 and 16. Moreover, unlike claim 6 and 16, Jun does not teach or suggest “information services” or “managed content”.

Thus, the claims are patentable over Jun.

**Proehl et al. (US Patent 6532589)**

Proehl '589, Method And Apparatus For Providing A Calendar-Based Planner In An Electronic Program Guide For Broadcast Events, relates to the presentation of broadcast information and related event scheduling information for a multiple channel television broadcast system. Specifically, the present invention relates to the presentation of an on-screen calendar-based graphic user interface for scheduling and reviewing broadcast events.

Proehl discloses a calendar-based on-screen planner for broadcast events along with an electronic program. According to one aspect of the invention, at least one electronic program guide is generated and displayed representing programming on a number of channels.

The electronic program guide discussed by Proehl, does not teach or suggest any of the following:

A user interface, comprising a blending of television program choices from which a viewer may select, the blending representing options for linear and non-linear programming presented together within **a single hierarchy of a designated category** (Claim 1).

A user interface for interactive television (iTV), comprising a **navigational hierarchy** that blends linear and non-linear programming options, and information services in a single presentation (Claim 6).

A user interface, comprising a single screen having various regions thereof for displaying non-linear programming information, linear programming information and **managed content** relevant to the linear and non-linear programming information (Claim 16).

For at least these reasons, the claims are patentable over Proehl.

**Hawkins et al. (US Patent 6005561)**

Hawkins '561, Interactive Information Delivery System, relates to delivery of audio, video and user data through an information delivery system that includes a head end broadcasting a data stream of media objects, the head end being coupled to a broadcast television interface and at least one information service provider and including an encoder for encoding information in the media object.

Hawkins further discloses an information navigation system for the information delivery system. The navigation system functions with the electronic program guide and includes a user interface having a plurality of icon representations of various functions of the system. As shown

in Fig. 4, the user interface comprises an interactive interface screen with various different media objects placed thereon. Typical media objects represent icons for a “media valet”, a TV guide (an electronic program guide), a video on demand guide, and a navigation guide. (Figure 4. Col 10, 1-10)

Thus, Hawkins teaches separate guides for TV and video on demand programs. Hawkins does not teach or suggest “A user interface, comprising a blending of television program choices from which a viewer may select, the **blending representing options for linear and non-linear programming presented together within a single hierarchy of a designated category**” (Claim 1). Moreover, Hawkins does not teach or suggest “**a navigational hierarchy that blends linear and non-linear programming options, and information services in a single presentation** (Claim 6). Hawkins also fails to teach or suggest “a user interface, comprising a single screen having **various regions thereof for displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information**” (Claim 16).

Accordingly, the Applicants respectfully submit that the present invention is distinguished over Hawkins.

**Ward et al. (PCT Patent Application PCT/US99/28722)**

Ward ‘722, System And Method For Providing News, Sports, And Local Guide Services Through An Electronic Program Guide, relates to “providing additional services besides TV program schedule information through an electronic program guide. Such services include up-to-date information relating to news, sports, and local events and businesses. The EPG screen includes a PIP window (172) and panel advertisement windows (174, 176)” (Abstract)

Thus, the Electronic Program Guide only contains TV program schedule information, up-to-date information relating to news, sports, and local events and businesses, and advertisement. It will be noted that Ward makes no mention of **blending linear and non-linear programming information**, as is required by Claim 1 and Claim 6. It follows that there is clearly no disclosure of **displaying non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information**, as required by Claim 16.

For at least the above reasons, claims 1-23 of the present application should be allowed over Ward.

**(F) SUMMARY**

For at least the foregoing reasons, the claims are patentable over the references located during the above-referenced search that are deemed most closely related to the subject matter encompassed by the claims.

If there are any additional fees associated with this communication, please charge our deposit account 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: Dec 11, 2003

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